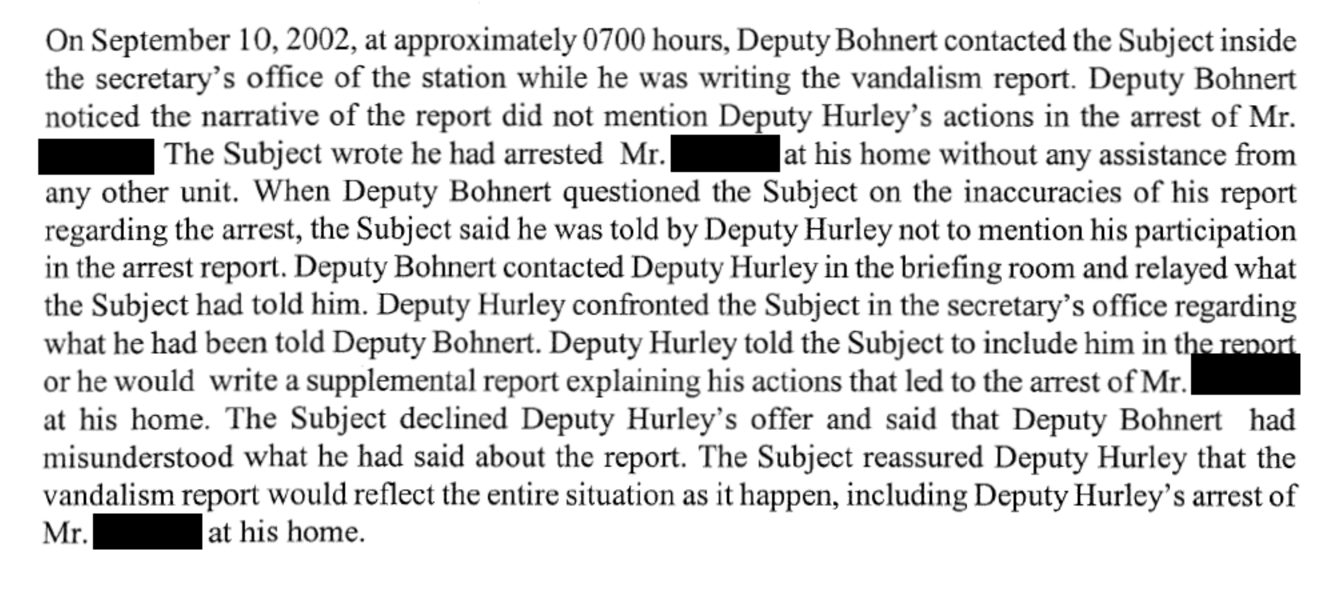
DISPOSITION WORKSHEET

Case Number: IAB #2042992
Subject: Gordon McMullen, Deputy
Investigator: Benjamin Garcia, Sergeant
Advocate: David Whitham, Sergeant

CASE SUMMARY:
While running the arrest review by his supervisor, Sergeant Flannery, Subject McMullen told Flannery that he arrested [redacted] for vandalism. Upon further questioning by Flannery, Flannery realized that McMullen had arrested [redacted] for a misdemeanor not committed in his presence and that McMullen did not have a signed "Private Person's Arrest" form from the victim. McMullen indicated that [redacted] also had a $30,000.00 warrant for vandalism, so Flannery instructed McMullen to book [redacted] on the warrant and to write a vandalism report in order to add charge [redacted] with the vandalism incident.

Subject McMullen wrote and submitted a report under URN 100-07952-2920-261 in which he wrote that he contacted [redacted] at his residence in Rowland Heights in regards to the vandalism incident, and that while conducting a warrant check on [redacted] via [redacted], he discovered that [redacted] had a $30,000 warrant for vandalism, and that he transported and booked [redacted] at the station. His report omitted any mention of the actions of Deputies Bohnert and Hurley, and specifically that Deputy Hurley had contacted [redacted] at his home and arrested [redacted] for the warrant.

On September 10, 2000, Deputy Hurley informed Sergeant Joseph Guinta that the Subject's report was inaccurate and false because he had arrested Mr. [redacted] at his home, not as the Subject inaccurately reported. Deputy Hurley went on to explain that on September 9, 2000, he was assigned to the Rowland Heights area when he was contacted by Deputy Bohnert [redacted] regarding the Subject's vandalism call in Diamond Bar. Deputy Bohnert gave Deputy Hurley the circumstances surrounding the vandalism incident, a description of Mr. [redacted] vehicle and his home address in Rowland Heights. Based on this information, Deputy Hurley went to the Rowland Heights address and detained Mr. [redacted] While detaining Mr. [redacted] Deputy Hurley received information from Deputy Bohnert that Mr. [redacted] had a $30,000.00 misdemeanor vandalism arrest warrant from the Pomona Court. Deputy Hurley arrested Mr. [redacted] on the warrant and arranged to meet the Subject to transfer custody of Mr. [redacted] at a location between the [redacted] home and the Diamond Bar home of Ms. [redacted] They met in the parking lot of the Bob's Big Boy Restaurant, located in the City of Diamond Bar at the intersection of Golden Springs Road and Brea Canyon Road. At the restaurant, Deputy Hurley offered to write a supplemental report explaining his actions in the arrest, but the Subject told him it would not be necessary as he would include his actions in the first report of the vandalism.



On September 10, 2002, at approximately 0700 hours, Deputy Bohnert contacted the Subject inside the secretary's office of the station while he was writing the vandalism report. Deputy Bohnert noticed the narrative of the report did not mention Deputy Hurley's actions in the arrest of Mr. [redacted] The Subject wrote he had arrested Mr. [redacted] at his home without any assistance from any other unit. When Deputy Bohnert questioned the Subject on the inaccuracies of his report regarding the arrest, the Subject said he was told by Deputy Hurley not to mention his participation in the arrest report. Deputy Bohnert contacted Deputy Hurley in the briefing room and relayed what the Subject had told him. Deputy Hurley confronted the Subject in the secretary's office regarding what he had been told Deputy Bohnert. Deputy Hurley told the Subject to include him in the report or he would write a supplemental report explaining his actions that led to the arrest of Mr. [redacted] at his home. The Subject declined Deputy Hurley's offer and said that Deputy Bohnert had misunderstood what he had said about the report. The Subject reassured Deputy Hurley that the vandalism report would reflect the entire situation as it happen, including Deputy Hurley's arrest of Mr. [redacted] at his home.

On September 10, 2000, at approximately 2300 hours, Deputy Hurley acquired a copy of the vandalism report prior to starting his early morning shift for September 11, 2000. Upon reading the narrative of the report, he noticed that the Subject had falsified the report by indicating the Subject had gone to Mr. [redacted] home and made the arrest. Deputy Hurley and Deputy Bohnert contacted Sergeant Guinta and advised him of the incident.

On August 13, 2001, as a result of the aforementioned information, one Felony count was filed against the Subject by the Los Angeles Grand Jury for Filing a False Police Report, in violation of Penal Code Section 118.1. On March 5, 2002, the Subject pled "Nolo Contendere" to Unlawful Obstruction by a Peace Officer, 148 (A) (1) P.C., a Misdemeanor. As a result of his plea, the Subject was placed on Summary Probation for one year and ordered to pay $350.00 in fines, plus perform 250 hours of community service and obey all laws and orders of the court.

DISPOSITION OF CHARGES

The following potential charges have been prepared by the Internal Affairs Bureau. Please indicate your disposition of each potential charge, and put any additional founded charges (with references to the investigation) on an attached sheet.

Potential Charge #1

That in violation of the Department's Manual of Policy and Procedures section 3-01/050.10 (Performance to Standards), on or about September 9, 2000, Subject McMullen arrested [redacted] for misdemeanor vandalism not committed in his presence.